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July 10, 2013

Dear City Councilors:

I own two parcels of land, 140 and 1460 Colchester Avenue, that share a common property line with 150 Colchester Avenue.

1. The Ira Allen Building at 150 Colchester Avenue Should Not Be Sold

I am opposed to the City of Burlington selling the Ira Allen Building at 150 Colchester Avenue. This building is the newest, and only, structure of the three properties under discussion with fire resistant walls, a sprinkler system, and AC.

	Year Built	Fire Resistant Walls	Sprinkler System	AC
Ira Allen	1974	Yes	Yes	Yes
Taft	1938	Yes	No	No
St. Joseph	1929	No	No	No

Why is the Burlington School Board recommending the Ira Allen Building be sold?

2. No Net Gain in Square Footage (Excluding Gyms and Cafeteria)

Total Finished Square Feet
(Excluding Gyms and Cafeteria)

	Total Finished Sq Ft	Gym	Cafeteria	Total Finished Sq Ft
Ira Allen	16,499 sq ft	No	No	16,499 sq ft
Taft	22,308 sq ft	4,116 sq ft	No	18,144 sq ft
St. Joseph	50,760 sq ft	9,216 sq ft	7,000 sq ft	34,620 sq ft

Ira Allen and Taft combined 34,643 sq ft

There is no net gain in the square footage (excluding gyms and cafeteria) for the City of Burlington in this land transaction. Would it be a smart idea for the members of the Burlington City Council to tour all three sites and become more familiar with the real estate under discussion?

3. Sale of The Ira Allen Building Is at Less than Fair Market Value

The Ira Allen Building at 150 Colchester Avenue is a 16,500 sq ft structure on two acres of land. Recently, the total purchase price of 2 acres (several contiguous parcels) about 100 yards from 150 Colchester Avenue was \$2 million. A 16,500 sq foot building at \$60 a sq foot (low end of estimates) is \$1 million. Why is the Burlington School Board attempting to sell 150 Colchester Avenue for \$1.7 million less than the fair market price? Does the Burlington tax payer know about this less than fair market value real estate sale? Why will the potential purchaser be permitted to occupy the building rent free for one year? Is this a rent-to-own transaction?

4. Costs to Renovate St. Joseph School Are \$10 Million or More

The Burlington School Board is claiming the renovation cost of St. Joseph School, a 48,000 sq ft building, is \$1.5 million or \$27 a sq foot. The national average to renovate a school is \$200 per sq foot. Based on this information the renovation of St. Joseph School could be \$10 million or more; \$8.5 million more than the Burlington School Board is claiming. Where will the city get the money? The taxpayer? Have they been told about it?

5. The One-time \$1.6 Million Lease Payment Should Be Held in Escrow

At the June 21, 2013 Board of Finance meeting the Burlington School Board gave the following information: "The lease will be cancelled if there is a violation that is not corrected in 30 Days." Shouldn't the \$1.6 million, a one-time payment, be held in escrow and the amount equal to the monthly rent, \$1,666., be released on the first of each month for the next 80 years? Then, if the tenant violates their lease, and is asked to move, there will be no question the funds to reimburse them for the unused tenancy will be available. Is spending rent money before the day it should be entered into the ledger a fiscally responsible policy?

6. Residential Medium (RM) Zoning Problems

St. Joseph School is in a RM zone so none of the 60 employees at the Ira Allen Building can be relocated to St. Joseph School: general office and school administrative work is not a permitted use in the RM zone. Alternative working space will have to be rented while this zoning problem is discussed, which will include whether or not rezoning will even be permitted. That process could take years. How much will renting office space for 60 Burlington School District employees cost a year? For how many years?

7. Building Permit Activity Before and After the 2008 Court Ruling on Taft School

- a. From March, 2000 until March, 2008 (eight years) only one permit (excluding Burlington Telecom) was pulled on Taft School.
- b. From November, 2008 (soon after Judge Pearson approved the leasing of Taft School) until August, 2009 (ten months) ten permits were pulled.
- c. Only one permit has been pulled since August, 2009 to the present (four years).

Why were so many permits suddenly pulled immediately after the judge's decision on the Taft School and why did it suddenly stop? From 2008-2009 was the Burlington School Board anticipating a new tenant and it didn't work out? Who was the tenant? What were the problems?

Summary

In a fourteen to zero (14 to 0) vote the Burlington School Board recommended the City of Burlington:

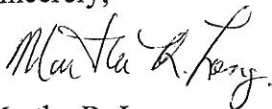
1. sell the Ira Allen Building, the newest of the three buildings and the one in the best condition.
2. sell the Ira Allen building at below its fair market value.
3. enter into a land transaction where there is no net gain in usable square footage (excluding the gyms and cafeteria) for the City of Burlington.
4. buy St. Joseph School, the oldest of the three buildings and the one in need of the most renovations. These renovations could cost the Burlington tax payer \$10 million or more.
5. enter into a lease agreement where if the tenant must be evicted the money for their unused tenancy will have been spent. Thus, making an eviction practically impossible.
6. purchase St. Joseph School, a building that cannot be used for general office and school administrative work, the main activity of the 60 employees who work at The Ira Allen Building.

Some very clever people are attempting to put the City of Burlington and its tax payers at a tremendous disadvantage in hopes of advancing their own agenda.

Legal Questions

1. Is it legal for the City of Burlington to sell a building they own, without voter approval? And, don't the voters have a legal right to approve it being sold at below fair market value?
2. Is it legal for the City of Burlington to buy a building where renovations could exceed \$10 million or more, without voter approval?
3. Is it legal, under any circumstances, for the City of Burlington to lease a school property for more than three years?

Sincerely,



Martha R. Lang.